

Application No. 10/506,748
 Amendment Dated 03/14/2006
 Reply to Office Action of 12/14/2005

Remarks/Arguments:

The Office Action summary states

- Claims 1-15 were pending in the application.
- Claims 1, 2, 5, 8, 10 and 13 are rejected.
- Claims 3-5, 7, 9, 11, 12, 14 and 15 are objected to.

Applicants note that Claims 11 and 12 were omitted from the substitute specification filed with the 371 application. As agreed with the Examiner in a telephone call on Wednesday 22, February 2006, Applicants have cancelled original Claims 1-15 and are replacing them with new Claims 16-27. An explanation of how the new claims correspond to the claims from the substitute specification is provided herein below.

In response to the office action, original Claim 1 has been combined with original Claim 5 to provide new Claim 16. The following amendments were made to Claim 1 to give Claim 16:

*m is [[0,]]1, or 2;
 R⁴ is chloro independently selected from hydrogen, halo, nitro, cyano, hydroxy, fluoromethyl, difluoromethyl, trifluoromethyl, trifluoromethoxy, carboxy, carbamoyl, C₁₋₄alkyl, C₂₋₄alkenyl, C₂₋₄alkynyl, C₁₋₄alkoxy, and C₁₋₄alkanoyl;*

The remainder of new Claim 16 is the same as original Claim 1.

The new claims correspond to the original claims in the following manner:

New	Old
16	1+5
17	2
18	3
19	4
20	6
21	7

New	Old
22	8
23	9
24	10
25	13
26	14
27	15

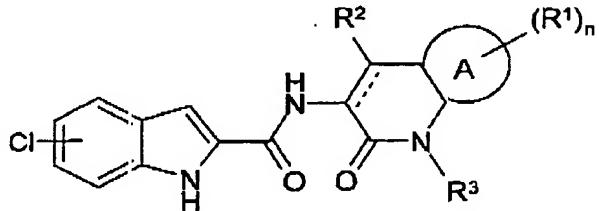
With the exception of Claim 16 (as described above) the new claims are identical to the old claims apart from the dependencies which have been changed from being dependent on Claim 1 to being dependent on Claim 16.

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Claim Rejections – 35 USC §102

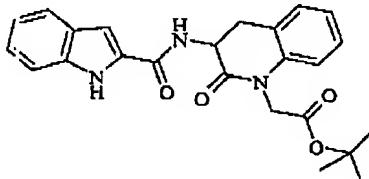
Claims 1, 2, 6, 8, 10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Parsons (US Patent #4692522).

As stated above, Claim 1 and Claim 5 have been combined to give new Claim 16. The compounds of the claims now have a mandatory chloro substituent on the indole ring:



Applicants note that no examples in Parsons have a chloro on the indole ring. Applicants thus believe that they have overcome the §102 rejection.

Applicants draw the Examiners attention to the Parsons J Med Chem paper, in particular compound 9 in Table I which Applicants believe has the following structure:



Compound 9

This compound appears to be the same compound as disclosed in the Parsons US patent (column 34, example 18). Applicants note that this compound does not have a chloro on the indole ring.

Claim Objections

Claims 3-5, 7, 9, 11-12 and 14-15 are objected to because they are dependent from a rejected base claim. In view of the amendment outlined above Applicants believe that they have overcome this objection.

The above amendments have been made without prejudice to Applicants right to prosecute any cancelled subject matter in a timely filed continuation application.

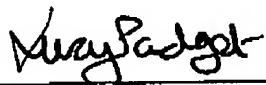
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Applicants note that the Examiner states that claims free of the above rejection (102(b)) would be free of prior art. In view of the amendment outlined above Applicants believe the application is in condition for allowance, which action is respectfully requested.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100662-1P US.

Although Applicants believe no excess claim fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100662-1P US.

Respectfully submitted,



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Enclosures: Transmittal Form